

Re: #1076

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To Whom It May Concern:

Let me start by stating up front that for the sake of clarity of topic I'll acquiesce to certain terms to which I emphatically disagree with. Among these terms are "Assault Rifle (Weapon)" and "High Capacity (Magazine)".

Section 1. Section 53-202a, (5), A, i and ii: Pistol Grip and Thumbhole Stock. The pistol grip is an improvement in design that enables a more positive hold on a firearm, this aids in safety. Why remove something that aids in safety? The thumbhole stock finds it's origins in target shooting competitions. Has the legislative body found substantive instances to support this ban? I believe this is not based in reason and thus classified as arbitrary.

Section 1. Section 53-202a, (5), d, i: Threaded barrel on pistols. This section restricts all Highly Regulated (and expensive) NFA controlled, legally possessed silenced handguns. This is not based in reason. Has the legislative body found substantive instances when these NFA controlled items have been used criminally?

Section 1. Section 53-202a, (6): Constructive possession clause, "*may be rapidly assembled*". Subject to arbitrary decisions of law enforcement.

Further, I submit the question to the legislative body. In respect to "grenade launchers", "flash suppressors" etc, have they found these items to increase the lethality of any given weapon? Are these features found on the majority of firearms used criminally? If not, I respectfully submit the banning of these features is not based on reason or judgment but on personal will; that these bans are arbitrary and violate the Due Process Clause of the Fourteenth Amendment.

Sec. 4. Section 53-202d, a and b: Certificate of possession, aka Registration. While in Hartford on Monday March 11, 2013 I attempted to speak to various legislators on certain provisions of this Bill. None of the ten I visited were available to speak to however I did have opportunity to speak with an Aide for Senator Rob Kane. One of my questions was; "How would this law be effected and enforced?" to which I received the answer; "That has yet to be determined.". I question the process as there must be a Constitutional method to effect and enforce these proposed laws, if the laws themselves are Constitutional.

A little background on a personal incident a few years ago. While following all then current laws I sold several firearms, this was done to cover bills after a decreased income during the recent recession. During that period I received a phone call from a police officer on the other side of Connecticut.

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This officer asked why he had my gun in his possession. This was most puzzling to me too. When he told me that it was a Sears .22 Long Rifle, bolt-action rifle I responded that I had mine in my possession, in fact I had my hands on it just a few days prior so I went into my safe to retrieve the rifle in question. When we purchase firearms from FFL Dealers we fill out Forms 4473 and DPS-3-C. The DPS-3-C has four copies, one for buyer, one for seller, one for buyer's local police department and one for the Department of Public Safety. In the case of my rifle the FFL Dealer had filled in the Model Number in the Serial Number field and the calling officer also made the same mistake with the rifle in his hands. This was easy in this case as the rifle was manufactured prior to Federally mandated Serial Numbers on rifles and the Model number was complex (it looks like a serial number) while the rifle bore no actual serial number itself. At the end of the call we were both satisfied that I indeed did have my rifle and that there was a mistake made on the DPS-3-C. This incident proved to me that we already have a de facto Registration in place; call it a database or a list if you wish but that doesn't negate it really is a Registration.

This incident brings me to my thoughts on effecting and enforcing these potential regulations. Being that we know Connecticut maintains an active database of all firearms sold via FFL Dealers we understand that the Local Police already have access to who owns what firearms and these officers have a duty to enforce these potential laws. So again I pose the question "How?". Being that it is legal for owners of these affected long arms to sell them privately with no paperwork stating to who; without proof they would have no way to demonstrate they no longer owned said firearms. Would you demand violation of the Fourth Amendment (The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures) and order searches performed? Would the Police contact owners and state they know the individual possesses such firearm and demand surrendering the firearm thus violating Fifth Amendment Rights (prohibition against required self-incrimination)?

Sec. 4. Section 53-202d, c and d: Transfer or sale of Assault Weapon. Current residents who currently lawfully possess firearms that have been reclassified as Assault Weapons are to be severely restricted on selling same. Sales are to be made to Dealers or affected firearms are to be destroyed or removed from the State. Without respect to compensation this should be considered a violation of the Fifth Amendment; Property Rights and the Takings Clause whether wholly or partially in respect to a "wholesale" sale to a Dealer or outright mandatory destruction of Property. These Sections would also be a violation of the Due Process Clause of the Fourteenth Amendment. Additionally, there are several other portions of this Bill that pertain to selling of affected firearms. For the sake of brevity I'll state that those portions should be considered within the same violations as the Section in this paragraph.

Sec. 20. Subsection (b), Sec. 21. Subsection (b): Look back period for infractions already committed. Possible ex post facto law violation (Constitution, Article 1, Section 9) and Fifth Amendment "Double Jeopardy Clause" in regards to those already "through the system".

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Sec. 23. (b) "No licensed importer, licensed manufacturer or licensed dealer shall ship or transport any ammunition to any person in this state other than a licensed importer, licensed manufacturer or licensed dealer." Restriction of where ammunition can be purchased is arbitrary. Most target and competition shooters purchase their ammunition online or via mail order due to cost and availability of specialty ammunition.

Sec. 32. See Sec. 4. Section 53-202d, a and b above.

Sec. 40. (a): "When a decision to deny an application to register, to renew a registration card or to revoke a registration card becomes final, the applicant or registrant shall immediately surrender to the Department of Emergency Services and Public Protection the firearm for which the applicant was denied registration or renewal or for which the registration card was revoked." This is a blatant violation of Property Rights, Fifth and Fourteenth Amendment.

I'd ask the legislative body to consider each proposal in terms of substantive evidence to warrant said proposal as well as Article 1, Section 9 of the U.S. Constitution and ex post facto laws in regard to these currently lawful actions. As a twenty-five year firearms enthusiast it is my considered opinion that many of the proposals are indeed not based on reason or judgment but on personal will and that these bans are arbitrary and violate the Due Process Clause of the Fourteenth Amendment. This opinion is only enhanced when I read statements concerning restrictive legislation such as "we run a risk of letting this critical moment in history pass us by." coming from Government Officials.

The legislative body is in the unenviable position of being in the middle of some folks with strong opinions. A small but loud group proclaim to represent "The Public" and state firearms violate their Right to Life, Liberty and Pursuit of Happiness while the other group argue to maintain all Rights for Everyone. Our Rights have been enumerated as they are inalienable and can not be taken away by the Government. In respect to Individuals and Rights thereof; I offer that the Rights of one do not supplant the Rights of another. In other words, if I have not imposed myself or lawful possessions on another Individual they have no right to attempt to restrict my Rights. Further, I ask the question; "What is "The Public"? The Public in effect does not exist. The Public, in fact, is made up of Individuals and each of those Individuals have Rights. If we allow one group to claim representation of "The Public" and legislatively rule in favor of "The Public's" interest thus removing certain Rights from another group we send the message that the Rights of some Individuals take precedence over the Rights of other Individuals. This behavior is discriminatory.

Individual Rights are not subject to a public vote. No one, even a majority, has the Right to oppress others by supplanting their Rights, even if it is just to one person.

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Everyone agrees on a couple points. No one wants to see shootings continue. Another point that most agree on is the lack of evidence that restrictive proposals in terms of lawful firearms ownership will have in respect to any positive impact on reducing such shootings. Furthermore, we consistently hear that existing laws concerning crimes with guns have not been being enforced already. Is it not pathological then to presume to move forward with more laws?

When the 2004 Federal AWB expired many folks wondered what the impact would be. We have had close to ten years to see that impact. Production and ownership of those Assault Weapons has increased many many times over while FBI data shows a continual decrease in violent crime. A decrease to levels not seen since the early 1960's.

When, in the 1980's, we had a significant problem with drinking and driving we did not go back to Prohibition (we learned our lesson with alcohol then and it likely would transfer to firearms today). We also did not go out and ban more powerful, higher alcohol content liquors or "high-capacity" thirty packs of beer. Nor did we ban driving and/or vehicles. No, we looked at the problem and took a multifaceted approach of getting help for those that need it, education for our children and not only increased but enforced laws for violators. I suggest a similar approach to firearms.

We can save taxpayers countless dollars in legal fees by working towards proposals that are Constitutional, legal fights are already being assembled. Furthermore, we can save many primary and secondary jobs in Connecticut by moving forward in a prudent manner.

We are having this discussion due to the criminal acts of others. When we elect you it is with the promise and understanding that you will uphold the United States and Connecticut Constitutions. The U.S. Constitution is Law Of The Land and anyone seeking to enact legislation that is in violation of it should be considered a criminal themselves and just as I can not support the actions of those that break the laws on the streets I can not support legislators that break the Law Of The Land.

